

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, June 23, 2004, 1:30, p.m.

ACTION ITEMS:

1. **Minutes**, June 9 and 16, 2004 Worksessions.

Action: Approved as amended, (AIF/AMC, 4-0).

2. **A-5969, Petition of Nancy J. Avitabile and Richard B. Edelman** (one-story addition). Letter to the Board from Michael Steiner, AIA, requesting reconsideration.

Action: Denied request for reconsideration, (DLB/AMC, 3-0/DHS/abstained).

3. **CBA-286-A, Petition of Columbia Country Club** (golf and country club). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. (Large exhibits: golf scoreboard details and site plans).

Action: Granted administrative modification, (AIF/DLB, 4-0).

4. **CBA-1174-C, Petition of The Holton-Arms School** (private educational institution). Quarterly Report from Diana Coulton Beebe, Head of School.

Action: Re-opened the record to include Ms. Beebe's letter with attachments, (AMC/AIF, 4-0).

5. **CBA-1193, Petition of West Hillandale Swim Club** (community swimming pool). Letter to the Board from Soo Lee-Cho, Esquire, requesting an administrative modification. (Large exhibit: existing conditions survey).

Action: (1) Granted administrative modification; (2) denied retention of existing speakers attached to bathhouse, (AIF/AMC, 4-0).

6. **CBA-1620, Petition of Jack Coopersmith** (automobile filling station). M-NCPPC Recommendation from Kathleen A. Reilly, Community Based Planning. Also included is a letter from John R. Barr, Esquire, requesting a transfer and an administrative modification and a letter of support from the Darnestown Civic Association.

Action: (1) Granted transfer of the special exception; (2) granted administrative modification, (AMC/AIF, 4-0).

7. **CBA-2903-B, Petition of Verizon Maryland, Inc.** (public utility buildings, public utility structures and telecommunication facilities). Letter to the Board from Timothy Dugan, Esquire, requesting an administrative modification.

Action: Granted administrative modification, (AIF/DLB, 4-0).

8. **CBA-2904-D, Petition of Green Acres School** (private educational institution). Letter to the Board from Susan W. Carter, Esquire, requesting an administrative modification. (Large exhibits: site plans).

Action: Granted administrative modification, (AIF/DLB, 4-0).

9. **S-578, Petition of Dr. Walter H. Stewart** (non-resident medical practitioner). Memorandum to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS), requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AIF/AMC, 4-0).

10. **S-1064, Petition of Leon Trager and Greentech Landscaping** (horticultural nursery and greenhouse). Letter to the Board from the petitioner requesting an administrative modification.

Action: Deferred item for inspection by DPS, (DLB/AIF, 4-0).

11. **S-1266, Petition of Edith Schubert** (off-street parking). Letter to the Board from Martin J. Hutt, Esquire.

Action: Referred to DPS for re-inspection, (DLB/AIF, 4-0).

12. **S-1471, Petition of Ruben Garcia** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AIF/DLB, 4-0).

13. **S-2462, Petition of Victory Housing** (elderly housing). Letter to the Board from James A. Brown, Jr., President.

Action: Granted administrative modification, (DLB/AIF, 4-0).

14. **S-2477, Petition of American Towner Corporation and AT&T Wireless Services** (public utility buildings, public utility structures and telecommunication facilities). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting withdrawal of the Show Cause Hearing.

Action: Dismissed Show Cause Hearing, (AMC/DLB, 4-0).

15. **S-2543, Petition of Gail Transeau** (riding stable for eight horses). Letter from the petitioner notifying the Board that the special exception has been abandoned.

Action: Revoked special exception as abandoned, (AMA/AIF, 4-0).

INFORMATION ITEMS:

16. **A-5769, Appeal of Robert Zarnetske** (Department of Permitting Services – Enforcement of County Parking Facility Regulations). Circuit Court Notice.

Action: No action required by BOA.

17. **S-2459, Petition of Hampshire Village Associates and S-2460, Petition of Victory Housing** (elderly housing). Letter to the Board from Stephen J. Orens, Esquire.

Action: Re-opened the record to include Mr. Orens' letter, (AMC/AIF, 4-0).

DECISION ITEMS:

18. **S-570, Petition of Izaak Walton League** (outdoor rifle range). Board to close the record of the annual review hearing and grant an administrative modification.

Action: (1) Re-opened the record to include Mr. King's letter; (2) granted modification of the special exception, (AIF/AMC, 4-0).

19. **S-687-F and S-687-G, Petitions of Bullis School, Inc.** (private educational institution). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, effective as long as there is no request for Oral Argument, (AIF/DLB, 4-0).

20. **S-2601, Petition of Renato and Romano Pietrobono** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (AMC/AIF, 4-0).

PENDING ITEMS:

21. **A-5976, Petition of GBI Corporation** (single-family dwelling/townhouse). Letter to the Board from Susan W. Carter, Esquire, submitting closing arguments. Item deferred for future Worksession. [W/S 6/9/04].

22. **CBA-1036 [CBA-2648], Petition of Nicholas J. Chaconas** (radio station and transmitter towers). Letter to Board from Lon Hamann, President, Montgomery Village Foundation, requesting a public hearing. Item deferred for future Worksession. [W/S 5/5/04].

23. **CBA-1332, Petition of Huggins and Harrison, Inc.** (outdoor automobile sales lot). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information. Board requests a site plan with dimensions that shows the location of the trailer in relation to the property's boundary lines.

24. **CBA-2372 [CBA-2372-A], Petition of Mobil Oil Corporation** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. (Large exhibits: site development and landscape plans). Item deferred for site and photometric plans. [W/S 11-12-03].

PENDING ITEMS (continued):

25. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff of review of administrative modification request.
26. **S-569, [CBA-3051, S-95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property.
27. **S-684, Petition of Chung K. Park** (dental/medical clinic). Letter of complaint to the Board Steven Blanken, President, Burkland Condominium. Referred to DPS for inspection, [W/S 4/21/04].
28. **S-858, Petition of Surjeet K. Singh** (child day care facility). Letter to the Board from the petitioner requesting an administrative modification. Also included is a memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Item deferred for review by DPS of trash enclosure, stockade fence, existing and proposed landscaping and use of pool. Item referred to M-NCPPC Technical Staff for review. [W/S 2-18-04].
29. **S-882, Petition of Rene Monserrat and Emilio A. Brouwer** (horticultural nursery and commercial greenhouse/garden center). Inspection report from Stanley N. Garber, Investigator, DPS. Also included is a memorandum from Andrew Thompson, Associate County Attorney. (1) Re-opened the record to include Mr. Garber's and Mr. Thompson's letter; (2) Show Cause Hearing deferred to a future Worksession. [W/S 6/16/04].
30. **S-1573, Petition of Robert H. Edmund** (side lot line setback). Letter to the Board from Judith M. Koenick requesting an explanation of a building permit issued by DPS. Item referred to DPS for inquiry.
31. **S-1747, Petition of Thompson R. and Nancy S. Buchanan** (accessory apartment). Memorandum to the Board from John Whitt, Housing Code Field Supervisor, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner. Item deferred for future Worksession. [W/S 5/5/04].
32. **S-1751, Petition of Hanna D. Saah** (boardinghouse). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, regarding the inspection of the special exception. Letter will be sent to the petitioner to determine what future action he proposes for the special exception property. [Letter to S/E holder 6-18-03].
33. **S-1903, Petition of Exxon Company, U.S.A.** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. Item deferred for an approved landscape and lighting plan. [W/S 11-12-03].
34. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].

PENDING ITEMS (continued):

35. **S-2184, Petition of Charles R. Gilbert** (indoor rifle and pistol range). Letters to the Board from Anthony R. Shore, Esquire, requesting an administrative modification. Item deferred for additional information from the petitioner. [W/S 3-17-04].

Board Members

Donald H. Spence, Jr., Chairman
Donna L. Barron, Vice Chairman
Louise L. Mayer – ABSENT
Angelo M. Caputo
Allison Ishihara Fultz

Staff

Thomas Carbo, Associate County Attorney
Katherine Freeman, Executive Secretary to the Board
Hermene Jones, Administrative Specialist